

APPROVED: Meeting No. 26-96

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 15-96

April 9, 1996

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on April 9, 1996, at 7:05 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: Deputy City Manager Julia Novak, City Clerk Paula Jewell, and Assistant to the City Manager Thomas Edwin Thomas.

Re: Worksession with the Human
Rights Commission

The Mayor and Council met with Human Rights Commission members Georgia Coffey, Carol Hannaford, Yasmin Lluveras, Lynn Parker Perry, William Sherman, and Lloyd Welter. Also in attendance was Human Rights Officer Teresa James. Ms. Hannaford served as Acting Chair until Chairman Doug Jone's arrival at 7:18 p.m. The following topics were discussed:

1. Community Mediation Program - The Human Rights Commission is directing its energy towards this program. Ms. Hannaford gave a break-down of mediation activities since July 1, 1995. The Human Rights Office received 22 intakes for

community mediation; in six of the intakes received, the disputants agreed to attend mediation. Ms. Hannaford said that the Commission was interested in knowing where the Mayor and Council would like to see them direct outreach efforts. Mayor Krasnow noted that a citizen had appeared at a Mayor and Council meeting, with a complaint about her culturally diverse neighbors who hung clothing and grilled in their front yards. The citizen stated that the neighbors were "not like herself." Ms. Krasnow said that she would like to see outreach efforts and diversity awareness focus on these types of problems.

Councilmember Wright said that the Human Rights Commission tried to publicize the mediation program during its first year, and he encouraged the Commission to continue along these efforts because the second year would be very important. He questioned what happened with the 16 cases that did not go to mediation. Ms. Hannaford reported that each mediator will be writing a report on all cases. Teresa James keeps track of those cases and has found that the cases referred from the Inspection Services Division, some people are concerned about mediating because they fear a confrontation with their neighbors.

Mr. Jones said that the Commission did not anticipate the extensive educational process which was involved with community mediation. The reality is that people are not used to this type of thinking and the Commission had to make an effort to explain what community mediation was and how residents can work side by side. Mr. Sherman remarked that there were a large number of cases that may not be appropriate for

Meeting No. 15-96

3

April 9, 1996

mediation. Ms. Krasnow agreed and said she had received a visit from a resident who had a dispute with a neighbor. The resident insisted on confidentiality and was adamant that the issue not become the City's business. Mr. Jones said that HRC planned to have each commissioner join one or two community neighborhood groups and be present at community meetings so that when problems arose, people know about the Commission and the mediation program. Ms. Perry emphasized that HRC members were volunteers and that they were not the government. Ms. Coffey added that the Commission was also planning to send quarterly mailings to community organizations. Other outreach efforts by the Commission include attendance by members at Chamber of Commerce events and the use of study circles to share ideas, thoughts, and issues in order to create a greater dialogue for the community. The Commission also felt that the Mayor and Council should continue to direct appropriate issues towards the mediation program.

Councilmember Harrison asked what the Commission's thoughts were on the idea of combining the Police Department with the Community Services Department.

The following comments were offered:

- This could create a cultural problem; the perception of residents would be problematic.
- Combining the two departments was good idea, however, educational efforts were needed to help people understand that the Police Department was available to serve their needs.

Meeting No. 15-96

4

April 9, 1996

- The Police Department should work with the Commission in order to formalize relationships between the Human Rights Commission and the Police Department.
- Who were the residents that used Community Services most often? Would combining the two programs cause those users to shy away from seeking help?
- The combined programs was a good idea from an operational prospective. If Community Services were to move into the Police Department, there could be a perception problem for some persons and staff needed to be sensitive to this. In addition, some oversight of the operation would be needed.

Mr. Jones said that part of what was driving the success of the two combined programs was due to the work of Chief Treschuk. However, Mr. Jones asked, what would happen if or when Chief Treschuk left City employment. Addressing some of the concerns expressed, Mr. Kuckkahn said that staff looked at the idea of moving the entire Community Services Operation to the Bouic House, changing the name of the Department, and changing the Police Chief title. Councilmember Harrison suggested that the Mayor and Council give the Human Rights Commission the charge to formalize Police Department and Community Service relations.

2. Diversity of Boards and Commissions - The Human Rights

Meeting No. 15-96

5

April 9, 1996

Commission is interested in knowing what steps other City boards and commissions had taken to increase diversity in their memberships. Mayor Krasnow responded that the Mayor and Council and all of the boards and commissions were conscious of these goals. The Mayor and Council reviewed every application from candidates wishing to serve on boards and commissions, and they try to identify the under-represented populations. Mayor Krasnow asked the Human Rights Commission to take the lead on some of the outreach efforts.

3. Ordinance Revisions - The Human Rights Commission is concerned that recent revisions to the Human Rights Ordinance left those employees who worked for businesses, with fewer than six employees, unprotected. Therefore, HRC believed that enforcement capacity for employers with more than one and fewer than six employees, should be restored in the ordinance. There is a gap between the County and the City's law regarding this issue and some employees in small businesses may find themselves without representation. The Mayor and Council and staff need to discuss this issue further; staff will look at and develop some options on the issue.

Re: Worksession with the
 Planning Commission

The Mayor and Council met with Planning Commission Chairman Charles Haughey and members Larry Giammo, Dennis Kelly, Annie Chen Song, Don Boebel, and Susan Hoffmann. Commissioner Jane Fry-Emond was absent from the meeting due to illness. Staff present were Community Development Director Neal Herst, Planner III Cas

Meeting No. 15-96

6

April 9, 1996

Chasten, Planner III Al Stern, and Chief of Planning Lisa Rother. The Planning Commission discussed the following issues with the Mayor and Council:

1. Master Plan/Neighborhood Plans (including Master Plan update and the roles of neighborhood planning) - Mr. Haughey said that the Commission was interested in hearing how they can best serve the Mayor and Council given the needs of the City and it's future. Commission members expressed concern regarding the planning for the King Farm and they felt that there might need to be some rethinking about the kinds of commercial zones on the property. Ms. Hoffman said it was important to have a sense of continuity and that while change was good, it should not be done lightly.

Mayor Krasnow expressed concern about going forward with Neighborhood Plans which, she said tend to be exclusive. The Mayor noted that staff was looking into a visioning process which will include input from residents as to what type of preservation the residents desired. Councilmember Harrison shared with Planning Commission members some information he received on the Scottsdale, Arizona visioning plan as it related to on-site planning, code and ordinance review and neighborhood preservation strategies. Councilmember Wright stated his support for a visioning process and he stressed that such a process should be done earlier than later. Staff was asked to provide the Scottsdale plan to members of the Commission.

2. Review and update of the Planning and Zoning Ordinance - Mr. Haughey said it would be helpful for the Mayor and Council, along with the Commission, to review

Meeting No. 15-96

7

April 9, 1996

some Zoning Code provisions that were in need of update. Mayor Krasnow noted that the plans for restructuring economic development in the City included proposals for additional resources to be put into the planning area. Mayor Krasnow said that she would like the Planning Commission to form a study group on town house overlays. The Commission was asked to recommend a list of at least six Code provisions they felt were in need of review. Councilmember Wright suggested that the Commission prioritize the provisions.

3. Emerging communication technologies and policies on siting - The Science, Technology and Environment Commission is looking at the issue of siting of monopoles, etc. Mayor Krasnow expressed an interest in having the Planning Commission involved in the review as well. Councilmember Dorsey added that the proliferation and abandonment of satellite dishes and other telecommunication structures also needed to be addressed.

4. Environmental issues and possible development of environmental guidelines - The Planning Commission had already addressed the issue in relation to the comments on the King Farm. Councilmember Harrison suggested that the Commission take a look at the new COG report containing guidelines for stream preservation.

5. Rockville Pike Streetscape requirements for implementation, signage, and traffic issues - Ms. Chen Song said that the issues in question were: how the City of Rockville should look, and should the Pike accommodate pedestrians or vehicles. If the Pike's main attraction was for pedestrians, then the buildings may be too far apart and the City may want to think about traffic management policies. Councilmember Harrison

Meeting No. 15-96

8

April 9, 1996

agreed on the issue and said the City would have to think about how to move pedestrians along the Pike if the goal was to encourage people to leave their vehicles at home.

6. Other issues - Mayor Krasnow encouraged the Planning Commission to submit comments on the proposed Comprehensive Planned Development for the King Farm. Councilmember Wright encouraged Commission members to let Mayor and Council know if there were particular resources the Commission felt were needed in order to accomplish their work.

The Worksession with the Planning Commission adjourned at 8:50 p.m.

Re: Worksession with the Board of Appeals

The Mayor and Council met with Board of Appeals Chairman Alan Sternstein and Board members Karen Lechter, James Moone, and Paul Haines. Also in attendance were City Attorney Paul Glasgow, Community Development Director Neal Herst, Planner III Cas Chasten, Planner III Al Stern, and Chief of Planning Lisa Rother. The following topics were discussed:

1. 1994-95 Biennial Report - Mr. Sternstein explained that the 1994-95 Report was the Board's first Biennial Report; past reports were issued annually. The Board of Appeals heard matters from three groups: (1) requests from other City boards and agencies, e.g., Sign Review Board; (2) variance requests related to the Zoning Ordinance (e.g., setbacks); and (3) special exceptions, e.g., uses permitted in particular zones.

Meeting No. 15-96

9

April 9, 1996

2. State Statute which establishes criterion for granting zoning variances -

A few years ago, the City's Zoning Ordinance was modified to make it unnecessary to require variances for handicapped ramps. The Board is now recommending that the City examine whether further modifications to the Ordinance can be made to eliminate the requirement for variances in cases involving additional modifications for disabled residents.

The Board is also concerned about other variances in which the peculiarity of the property is not readily apparent and when the request involved only a minimal variance. The City led an effort to modify the State law in which our variances are based, in order to make the language conform more closely to the generally accepted requirement for "practical difficulty" rather than "unnecessary hardship." The Board of Appeals additionally recommended to the Mayor and Council that the City investigate two different options: (1) change the State law to modify the provision and (2) for the City to obtain authority to use its own definition of a variance.

Mayor Krasnow commented that the Board was experiencing changing times for many families. Families needed larger kitchens due to a greater number of appliances; disabled family members need additional space; the elderly population was growing and people, in general, were choosing to expand their homes rather than move into larger dwellings. Mayor Krasnow suggested that the Mayor and Council may want to discuss specific areas of the Code which need review; however, she said that a more global view

would probably be taken. City Attorney Paul Glasgow said that there might be a way to include a provision in the law which would allow municipalities to adopt a different statute. He said that the General Assembly may be more willing to work with municipalities on the issue since it was a local one.

The Mayor and Council generally supported the idea of the Board of Appeals taking a more "liberal" position and having the authority to use its own definition of a variance. However, concern was expressed about limits in the existing law that would limit the boundaries of "peculiarity" situations.

Re: Adjournment

There being no further business to come before the Mayor and Council, the Worksession adjourned at 10:16 p.m., to reconvene in Public Hearing at 7:30 p.m., on April 15, 1996, or at the call of the Mayor.